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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|------------------------------|---------------------------------------|-------------------------------------|
| Office Action Summary | Application No. 10/796,706 | Applicant(s) FRAKI ET AL. |
| | Examiner Gerardo Araque Jr. | Art Unit 3689 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 January 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 33-42 and 44-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 33-42 and 44-62 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/136/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Claim Objections

1. **Claim 58** is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. **Claim 56** has already claimed the limitation of, "communicating a registration message of the trade to a network entity."

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. **Claim 58** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Regarding **claim 58**, it is uncertain whether the claim is supposed to be a method or an apparatus claim. Currently, **claim 58** claims a method, but is a dependent of **claim 56**, which is an apparatus claim.
5. **Claim 50** recites the limitation "terminal" in **line 8 of claim 50**. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. **Claim 58** is rejected under 35 U.S.C. 101 because it is claiming two statutory classes. 35 U.S.C. 101 reads that, "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title." As discussed above, the applicant is required to clarify the claim in a manner to better distinguish what statutory class is being claimed, i.e. an apparatus or a process.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 33 – 42, 50 – 56, and 58** are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Treyz (US Patent 6,587,835)** in view of **Filler et al. (WO 00/11827)**.
10. **Claims 33 – 42, 50 – 56, and 58** are rejected under 35 U.S.C. 102(e) as being anticipated by **Treyz (US Patent 6,587,835)**.
11. In regards to **claims 35, 36, 40, and 55**, **Treyz** discloses a method comprising:

circuitry for exchanging data associated with a user of the first mobile phone
(Fig. 4 #96, 104);

a detector arranged to detect whether a second mobile phone is available for trading data (**Col. 45 Lines 21 - 30**); and

a short-range wireless communication transceiver for directly communicating with the second mobile phone for trading data (**Fig. 4 # 94; see also Col. 13 Lines 16 – 37**);

wherein the detector is further arranged to detect the availability of a data (**inherently included in that a cellular phone is configured to be in communication with the nearest cellular phone tower and to also allow incoming calls**).

Regarding the limitation that the data is pertaining to a digital collectible card, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

12. In regards to **claim 33, 34, and 51, Treyz** discloses wherein the short-range wireless communication transceiver comprises a Bluetooth transceiver (**Col. 13 Lines 16 – 37**).

13. In regards to **claims 37 and 52, Treyz** discloses further comprising:
a cellular mobile communication network (**inherently includes see also at least Fig. 1**); and

a means for determining whether the first and second mobile phones are in the same cell of the cellular mobile communication network (**see at least Col. Lines 21 –**

30 wherein monitoring if a second phone is in the vicinity would require that the second phone is in the same cell).

14. In regards to **claims 38, 56, and 58**, **Treyz** discloses further arranged to transfer confirmation and registration messages to a server via a cellular mobile communication network (**Further, applicant should note that logging on to cellular mobile communication networks is similar to wire communication networks.** Normally, the phone number, the phone's SIM's number on a GSM system, or both identifies the user of the cellular mobile phone. This would result in having information transmitted between the cellular phone and the cellular tower to determine whether the phone is in the correct network (i.e. Verizon or AT&T) and in the event that it is not a roaming signal would be displayed to the user.).

15. In regards to **claim 39**, **Treyz** discloses further arranged to determine whether the second mobile phone is in the vicinity of the first mobile phone (**Col. 45 Lines 21 – 30**).

16. In regards to **claim 41**, **Treyz** discloses further arranged to determine whether another piece of data is available (**see at least Col. 10 Lines 9 – 42 wherein the cellular phone is configured to receive data from various locations and wherein it is also configured to search for other cellular towers when it has left the current cell**).

17. In regards to **claim 42**, **Treyz** discloses wherein the first and second mobile phones are operable to exchange data (**see at least Col. 45 Lines 21 – 30 wherein monitoring would require data to be exchanged between the 2 mobile phones**).

18. In regards to **claims 50 and 62**, **Treyz** discloses a system for trading data comprising:

a first mobile phone having a user associated with data, wherein the system is configured to detect the data (**Fig. 2 # 12, Applicant should note that logging on to cellular mobile communication networks is similar to wire communication networks. Normally, the phone number, the phone's SIM's number on a GSM system, or both identifies the user of the cellular mobile phone. This would result in having information transmitted between the cellular phone and the cellular tower to determine whether the phone is in the correct network (i.e. Verizon or AT&T) and in the event that it is not a roaming signal would be displayed to the user;**);

a second mobile phone having a second user, the second mobile terminal being capable for associating the second user with the data, the second mobile phone operable to determine if the first mobile phone is in the vicinity of the second mobile phone (**Fig. 2 # 12, wherein multiple users can use the system, see also Col. 45 Lines 21 – 30 wherein a second user who would also be monitoring for a specific mobile phone would receive the first mobile phone's identification data. [See also provided example in citation]];**);

a network entity arranged to associate data with the first mobile communication phone (**inherently included**);

wherein the system is configured to detect whether the second mobile phone is available for trading data, and wherein the first and second mobile phones both

comprise a short-range wireless communication transceiver for directly communicating between the first and second mobile phones for trading data (**Col. 13 Lines 16 – 37 wherein multiple users can use the system; Col. 45 Lines 21 – 30 wherein a second user who can also be monitoring for a specific mobile phone would receive the first mobile phone's identification data. [see also provided example in citation]**); and

where the short-range wireless communication transceiver of the first mobile communication phone being arranged to detect a request for availability of data from the second mobile communication phone (**Col. 45 Lines 21 – 30 wherein a second user who can also be monitoring for a specific mobile phone would receive the first mobile phone's identification data. [See also provided example in citation]**).

Regarding the limitation that the data is pertaining to a digital collectible card, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

19. In regards to **claim 53, Treyz discloses further comprising:**
 - a transceiver for cellular mobile wireless communication over a cellular mobile communication network (**Fig. 4 # 94**);
 - an input user interface to communicate to the cellular mobile communication network (**Fig. 4 #84, 90**);
 - a memory to store data (**Fig. 4 # 74, 76**);

an output user interface to display data (**Fig. 4 #82**);
a processor configured to transmit identity information over the cellular mobile communication network and a request to receive data (**Fig. 4 # 68, 96, 104**).
wherein the data is adapted to be associated with a user based on the identity information transmitted (**Further, applicant should note that logging on to cellular mobile communication networks is similar to wire communication networks.**
Normally, the phone number, the phone's SIM's number on a GSM system, or both identifies the user of the cellular mobile phone. This would result in having information transmitted between the cellular phone and the cellular tower to determine whether the phone is in the correct network (i.e. Verizon or AT&T) and in the event that it is not a roaming signal would be displayed to the user).

20. In regards to **claim 54**, **Treyz** discloses wherein the user identity information includes a password (**Page 18 Lines 41 – 58**).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. **Claims 33 – 42, 50 – 56, and 58** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Treyz** (US Patent 6,587,835) in view of **Filler et al.** (WO 00/11827).
23. In regards to **claims 35, 36, 40, and 55**, **Treyz** discloses a method comprising:

circuitry for exchanging data associated with a user of the first mobile phone
(Fig. 4 #96, 104);

a detector arranged to detect whether a second mobile phone is available for trading data (**Col. 45 Lines 21 - 30**); and

a short-range wireless communication transceiver for directly communicating with the second mobile phone for trading data (**Fig. 4 # 94; see also Col. 13 Lines 16 – 37**);

wherein the detector is further arranged to detect the availability of a data
(inherently included in that a cellular phone is configured to be in communication with the nearest cellular phone tower and to also allow incoming calls).

However, **Treyz** fails to explicitly disclose where the data being transferred is a digital collectible card.

Filler discloses a communication network where a user of a communication device is associated with a digital collectible card and is able to trade the digital tradable card with another user of a second communication device (**See at least Page 2 Lines 17 – 29, Page 27 – 18 Lines 13 – 2; Fig. 19**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Treyz** to allow a user to trade digital collectible cards with other users, as taught by **Filler**, in order provide the ability to more easily trade and expand the number of users that are capable of trading digital cards.

24. In regards to **claim 33, 34, and 51, the combination of Treyz and Filler** discloses wherein the short-range wireless communication transceiver comprises a Bluetooth transceiver (**Treyz Col. 13 Lines 16 – 37**).

25. In regards to **claims 37 and 52, the combination of Treyz and Filler** discloses further comprising:

a cellular mobile communication network (**Treyz obviously included see also at least Fig. 1**); and

a means for determining whether the first and second mobile phones are in the same cell of the cellular mobile communication network (**Treyze see at least Col. Lines 21 – 30 wherein monitoring if a second phone is in the vicinity would require that the second phone is in the same cell**).

26. In regards to **claims 38, 56, and 58, the combination of Treyz and Filler** discloses further arranged to transfer confirmation and registration messages to a server via a cellular mobile communication network (**Filler Figure 3; Applicant should note that logging on to cellular mobile communication networks is similar to wire communication networks. Normally, the phone number, the phone's SIM's number on a GSM system, or both identifies the user of the cellular mobile phone. This would result in having information transmitted between the cellular phone and the cellular tower to determine whether the phone is in the correct network (i.e. Verizon or AT&T) and in the event that it is not a roaming signal would be displayed to the user.**).

27. In regards to **claim 39, the combination of Treyz and Filler** discloses further arranged to determine whether the second mobile phone is in the vicinity of the first mobile phone (**Treyz Col. 45 Lines 21 – 30**).

28. In regards to **claim 41, the combination of Treyz and Filler** discloses further arranged to determine whether another piece of data (digital collectible card) is available (**Filler Pages 27 – 28 Lines 13 – 2**).

29. In regards to **claim 42, the combination of Treyz and Filler** discloses wherein the first and second mobile phones are operable to exchange messages (**Treyz see at least Col. 45 Lines 21 – 30 wherein monitoring would require data to be exchanged between the 2 mobile phones; Filler Figure 19 #1060, 1070, 1080;** Moreover, the Examiner also asserts that the concept of text messaging/instant messaging is an old and well known function of cell phones [for more information see supplied references “Keeping in touch It’s not enough to have instant messaging on your phone PCs these days. Get ready for instant messages on your cell phone. AT&T Wireless offers it, and Sprint PCS will soon.”].

30. In regards to **claims 50 and 62, Treyz** discloses a system for trading data comprising:

a first mobile phone having a user associated with data, wherein the system is configured to detect the data (**Fig. 2 # 12, Applicant should note that logging on to cellular mobile communication networks is similar to wire communication networks. Normally, the phone number, the phone's SIM's number on a GSM system, or both identifies the user of the cellular mobile phone. This would result in having information transmitted between the cellular phone and the cellular tower to determine whether the phone is in the correct network (i.e. Verizon or**

AT&T) and in the event that it is not a roaming signal would be displayed to the user);

a second mobile phone having a second user, the second mobile terminal being capable for associating the second user with the data, the second mobile phone operable to determine if the first mobile phone is in the vicinity of the second mobile phone (**Fig. 2 # 12, wherein multiple users can use the system, see also Col. 45 Lines 21 – 30 wherein a second user who would also be monitoring for a specific mobile phone would receive the first mobile phone's identification data. [See also provided example in citation]**);

a network entity arranged to associate data with the first mobile communication phone (**obviously included**);

wherein the system is configured to detect whether the second mobile phone is available for trading data, and wherein the first and second mobile phones both comprise a short-range wireless communication transceiver for directly communicating between the first and second mobile phones for trading data (**Col. 13 Lines 16 – 37 wherein multiple users can use the system; Col. 45 Lines 21 – 30 wherein a second user who can also be monitoring for a specific mobile phone would receive the first mobile phone's identification data. [see also provided example in citation]**); and

where the short-range wireless communication transceiver of the first mobile communication phone being arranged to detect a request for availability of data from the second mobile communication phone (**Col. 45 Lines 21 – 30 wherein a second user**

who can also be monitoring for a specific mobile phone would receive the first mobile phone's identification data. [See also provided example in citation].

However, **Treyz** fails to explicitly disclose where the data being transferred is a digital collectible card.

Filler discloses a communication network where a user of a communication device is associated with a digital collectible card and is able to trade the digital tradable card with another user of a second communication device (**See at least Page 2 Lines 17 – 29, Page 27 – 18 Lines 13 – 2; Fig. 19**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Treyz** to allow a user to trade digital collectible cards with other users, as taught by **Filler**, in order provide the ability to more easily trade and expand the number of users that are capable of trading digital cards.

31. In regards to **claim 53, the combination of Treyz and Filler** discloses further comprising:

a transceiver for cellular mobile wireless communication over a cellular mobile communication network (**Fig. 4 # 94**);

an input user interface to communicate to the cellular mobile communication network (**Fig. 4 #84, 90**);

a memory to store data (digital collectible card) (**Fig. 4 # 74, 76**);

an output user interface to display data (digital collectible card) (**Fig. 4 #82**);

a processor configured to transmit identity information over the cellular mobile communication network and a request to receive data (digital collectible card) (**Fig. 4 # 68, 96, 104**).

wherein the data is adapted to be associated with a user based on the identity information transmitted (**Further, applicant should note that logging on to cellular mobile communication networks is similar to wire communication networks.** Normally, the phone number, the phone's SIM's number on a GSM system, or both identifies the user of the cellular mobile phone. This would result in having information transmitted between the cellular phone and the cellular tower to determine whether the phone is in the correct network (i.e. Verizon or AT&T) and in the event that it is not a roaming signal would be displayed to the user).

32. In regards to **claim 54, the combination of Treyz and Filler discloses wherein the user identity information includes a password (Treyz Page 18 Lines 41 – 58; Filler Page 15 Lines 31 – 33).**

33. **Claims 44 – 49, 57, and 59 – 61** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Filler et al. (WO 00/11827)** in view of **Yu et al. (US Patent 6,684,087)** and in further view of **Treyz (US Patent 6,587,835)**.

34. In regards to **claims 44, 45, 46, 47, 57, 59, and 61, Filler discloses a method comprising:**

associating the digital collectible card data file with the first mobile communication phone is performed at a network entity (**Page 2 Lines 17 – 29**)

trading a digital collectable card associated with a user of a first device including

(Page 27 Lines 13 – 16; Fig. 19):

detecting whether a second device is available for trading a digital collectable card, including detecting the availability of a particular digital card

(Page 27 – 28 Lines 13 – 2 wherein agreeing to terms of the trade and swapping cards would require the system to determine if the second device is available a digital collectible card and the act of swapping would only occur if a particular card has been detected. This would further result in detecting whether the second device has a digital collectible card trading capability because if it doesn't then the swap would not occur.); and

Filler is discussed above, but fails to disclose:

the communication network to be a cellular mobile communication network and the computer is to be a cellular mobile phone;

communicating within an operational range of short-range wireless communication directly between the first and second phones for trading the particular digital collectable card; and

exchanging a short-range wireless communication between the first and second mobile phones

Yu discloses a computer being a mobile cellular phone to enter a cellular mobile communication network and use the Internet to download digital collectible trading cards as an alternative to trading data over wired connections. Further still, it is asserted that a cell phone is a short-range wireless communication device in that they can only

function if it is within the range of a cellular phone tower (**see provided Google Definition of "Cell"**). Moreover, the concept of exchanging communication between the first and second mobile phone, whether through text or voice, is a feature that is already included in mobile phones since those are the primary functions of the device.

Therefore, as taught by **Yu**, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a cellular mobile phone in a cellular mobile communication network to enter the Internet, as an alternative to wired communication, and download digital collectible trading cards. Further, applicant should note that logging on to cellular mobile communication networks is similar to wire communication networks. Normally, the phone number, the phone's SIM's number on a GSM system, or both identifies the user of the cellular mobile phone.

However, the combination of **Filler** and **Yu**, as modified above, fails explicitly disclose:

detecting whether a first mobile phone is in the vicinity of a second mobile phone;
and

detecting whether the first mobile phone is in the vicinity of the second mobile phone comprises determining whether the second mobile phones are in the same cell of a cellular mobile communication network is old and well known.

Treyz teaches determining the vicinity of a second user based on location information of a mobile phone of a user and of a mobile phone of a second user to find the proximity of the second user with respect to the user (**Col. 45 Lines 21 – 30**).
Further still, detecting whether the first mobile phone is in the vicinity of the second

mobile phone comprises determining whether the second mobile phones are in the same cell of a cellular mobile communication network is old and well known (**see provided Newton Telecom Dictionary definition for Cell and CMTS**).

Therefore, as taught by **Treyz**, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to determine the vicinity of a second user based on the location information of the mobile phone of the user and of the mobile phone of the second user to find the proximity of the second user with respect to the user.

35. In regards to **claims 48 and 60**, **Filler** discloses further comprising a means for transferring confirmation and registration messages to a server administering the digital collectable card via a mobile communications network (**Figure 3**).

36. In regard to **claims 42 and 49**, **Filler** discloses wherein the first and second mobile terminals are operable to exchange messages proposing a meeting to trade the digital collectable card (**Figure 19 #1060, 1070, 1080; Moreover, the Examiner also asserts that the concept of text messaging/instant messaging is an old and well known function of cell phones [for more information see supplied references “Keeping in touch It’s not enough to have instant messaging on your phone PCs these days. Get ready for instant messages on your cell phone. AT&T Wireless offers it, and Sprint PCS will soon.”]**).

37. In regards to **claim 54**, **Filler** discloses entering a password at the mobile terminal (**Page 15 Lines 31 – 33**).

Response to Arguments

38. Applicant's arguments with respect to claim 5/2/2008 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

39. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found in to PTO-892 Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. A./
Examiner, Art Unit 3689
5/17/08

/Dennis Ruhl/
Primary Examiner, Art Unit 3689